REMARKS

This application has been reviewed in light of the Office Action dated December 5, 2003. Claims 27, 29, 33-35, 37-43, 62, and 63 are presented for examination, of which Claims 27, 37, 62, and 63 are in independent form. Claims 44-61 have been canceled, without prejudice or disclaimer of the subject matter, and will not be mentioned further. Claims 27 and 37 have been amended to define still more clearly what Applicant regards as his invention, and Claims 42 and 43 have been amended as to matters of form. Favorable reconsideration is requested.

Claims 62 and 63 were rejected for obviousness-type double patenting, as being unpatentable over Claims 1 and 45 of U.S. Patent No. 6,630,949 ("the '949 patent"). Submitted herewith is a Terminal Disclaimer, which disclaims the terminal portion of any patent issuing from the present application that would extend beyond the expiration of the '949 patent, subject to the terms set forth in the Terminal Disclaimer. Also enclosed is a check for $110.00 for the disclaimer fee due under 37 C.F.R. § 1.20(d). Please charge any deficiency in this fee or credit any overpayment to Deposit Account 06-1205. Accordingly, withdrawal of the double-patenting rejections is respectfully requested.

Claims 27, 29, 33-35, and 37-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,675,358 (*Bullock et al.*) in view of U.S. Patent No. 5,857,059 (*Yamagishi*).

As shown above, Applicant has amended independent Claims 27 and 37 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 27 is an image processing system. The image processing includes an image pickup apparatus and an information processing apparatus. The image pickup apparatus includes an image pickup unit adapted to pick up an image. The information processing apparatus includes an interface, a detector, a memory unit, a display unit, and a controller. The interface is adapted to detachably connect the image pickup apparatus, and a detector adapted to detect that the image pickup apparatus is connected. The memory unit is adapted to store images which were picked up by the image pickup apparatus. The display unit effects display of the images picked up by the image pickup apparatus. The controller is communicatively coupled to the detector, the memory unit, and the display unit. The controller is adapted to set a connection flag in accordance with a detection result of the detector, and automatically switches between a mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set.

One important feature of Claim 27 is that the controller, communicatively coupled to the detector, the memory unit, and the display unit, sets a connection flag in accordance with a detection result of the detector, and automatically switches between a mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set.

Bullock et al., as has been discussed previously, relates to a computer control and user interface of an instant digital image capture device. The *Bullock et al.* apparatus controls and displays image information seen by the image capture device together with images which have been captured and stored upon actuation of the device. A viewfinder window is located in a capture device window, which also includes a variety of push buttons, some of which control the image capture device, while others control the way in which the captured images are displayed on the computer screen. In response to a user command to capture an image, the image is displayed adjacent to the image capture window. As the user continues to capture images, frames are displayed as long as the computer has adequate temporary storage. The user interface also allows the user to stack a set of images into a single object in the workspace. Images may be manipulated within the stack, discarded, modified, or changed between stacks of image objects.

Bullock et al. merely displays an image picked up by an image pickup apparatus 118 on a screen 114 of an information processing apparatus 100, when the information processing apparatus 100 is connected to the image pickup apparatus 118. Also, the *Bullock et al.* apparatus stores images into the information processing apparatus 100 and produces a capture device window 175 when an icon on the desktop of the information processing apparatus 100 is clicked (column 8, lines 52-65, and Figure 19A). That is, a display mode for displaying an image sent from the image pickup apparatus 118 is executed only when instructed by a user.

At page 6 of the Office Action, it is specifically conceded that *Bullock et al.* fails to disclose a controller adapted to set a connection flag in accordance with a detection result of the detector. The Office Action cites *Yamagishi* as overcoming the deficiencies of *Bullock et al.*, and asserts that it would have been obvious to one of ordinary skill in the art to modify *Bullock et al.* by the teachings of *Yamagishi* in order to let the user recognize the status of the

Bullock et al. by the teachings of *Yamagishi* in order to let the user recognize the status of the connection, thereby letting the user select the desired mode for displaying an image.

In fact, in the *Yamagishi* information recording device, a recording-medium discrimination flag is set in accordance with a detection result that a memory card 11 is connected to a connector 13 (column 7, lines 63-67). Accordingly, if *Bullock et al.* is modified by the teachings of *Yamagishi*, assuming *arguendo* that any such combination would be permissible, in the manner suggested by the Examiner, the resultant combination is that a user selects the display mode in accordance with a detection result. However, such a combination fails to teach or suggest a controller which automatically switches between display modes.

Accordingly Applicant submits that neither *Bullock et al.* nor *Yamagishi*, nor any combination thereof (assuming *arguendo* that any such combination would be permissible), teaches or suggests the system of Claim 27, of a controller, communicatively coupled to the detector, the memory unit, and the display unit, sets a connection flag in accordance with a detection result of the detector, and automatically switches between a mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set.

For at least these reasons, Applicant believes that Claim 27 is clearly patentable over the cited prior art.

Independent Claim 37 includes a similar feature of a controller, communicatively coupled to a detector, a memory unit, and a display unit, setting a connection flag in accordance with a detection result of the detector, and automatically switching between a

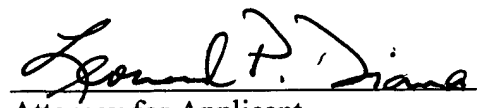
mode for displaying sequential images sent from the image pickup apparatus on the display unit and a mode for displaying an image which was picked up by the image pickup unit and stored in the memory unit, instead of the sequential images, on the display unit, in accordance with a state of the connection flag which is set, as discussed above in connection with Claim 27. Accordingly, Claim 37 is believed to be patentable for at least the same reasons as discussed above in connection with Claim 27.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
NYMAIN419435